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Attorneys for Plaintiff
VERITAS-B MEZZ B7, LLC AS SUCCESSOR-IN-
INTEREST TO CAPITAL TRUST, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VERITAS-B MEZZ B7, LLC AS
SUCCESSOR-IN-INTEREST TO CAPITAL
TRUST, INC.,

Plaintiff,

v.

WALTER R. LEMBI, individually and as
trustee of the WALTER AND LINDA LEMBI
FAMILY TRUST DATED JUNE 30, 2004;
FRANK E. LEMBI, individually and as trustee
of the OLGA LEMBI RESIDUAL TRUST
CREATED UNDER THE PROVISIONS OF
PART THREE OF THE LEMBI FAMILY
REVOCABLE TRUST DATED FEBRUARY
17, 1984, and as the trustee of the FRANK E.
LEMBI'S TRUST DATED FEBRUARY 17,
1984; BILLIE SALEVOURIS, individually;
BILLIE Z. SALEVOURIS, as trustee for THE
BILLIE SALEVOURIS TRUST DATED
AUGUST 23, 1983 AS RESTATED ON MAY
24, 2002; DAVID M. RAYNAL, individually
and as trustee for the DAVID M. RAYNAL
REVOCABLE TRUST DATED MAY 9,
2002; RALPH DAYAN, individually and as
co-trustee for the AMENDED AND
RESTATED DAYAN FAMILY
REVOCABLE TRUST DATED DECEMBER
31, 1991,

Defendants.

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DATE FOR
COMPLETION OF MEDIATION AND
HEARING DATE FOR MOTIONS
FOR SUMMARY JUDGMENT
AS MODIFIED HEREIN**

Judge: Hon. Jeffrey S. White
Courtroom 11, 19th Floor

1 By and through their respective counsel of record, the parties to this action
2 (hereinafter collectively "Parties") hereby stipulate and agree as follows:

3 WHEREAS, on February 17, 2011, the Court signed the Parties' Proposed Order
4 allowing Veritas-B Mezz B7, LLC ("Veritas"), to substitute as plaintiff in this action as the
5 successor-in-interest to Capital Trust, Inc., extended the date for completion of mediation in this
6 matter to March 25, 2011, and also extended the date for hearing on all pending motions to April
7 22, 2011.

8 WHEREAS the proposed Plaintiffs-in-Intervention in this action, LBUBS2004-C8
9 BARTLETT STREET LIMITED PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED
10 PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-
11 C8 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE STREET LIMITED
12 PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED PARTNERSHIP, LBUBS2004-
13 C8 LOMBARD STREET LIMITED PARTNERSHIP, LBUBS2004-C8 MASON STREET
14 LIMITED PARTNERSHIP, LBUBS2004-C8 VAN NESS LIMITED PARTNERSHIP, have
15 reached a business resolution with Veritas that makes moot their Motion for Summary Judgment
16 and Motion to Intervene, and it is anticipated both motions will shortly be taken off calendar.

17 WHEREAS the Parties continue to work towards a business resolution of the
18 remaining claims in this action and believe that resolution can be finalized before June 2011.

19 THEREFORE:

20 Based on the foregoing, the parties hereby stipulate to and respectfully request that
21 the Court order as follows:

22 1) That the date set for completion of mediation in this matter be extended to May
23 25, 2011, in order to allow the parties to continue to pursue settlement efforts outside the
24 mediation process.

25 //

26 //

27 //

28 //

1 2) That the hearing on all pending motions shall be continued to June 22, 2011, at
2 9:00 a.m.

3 IT IS SO STIPULATED.

4
5 Dated: March 22, 2011

STEIN & LUBIN LLP

6
7 By: /s Julie L. Fieber

Julie L. Fieber

8 Attorneys for Veritas-B Mezz B7, LLC, as Successor-In-
9 Interest to Plaintiff Capital Trust, Inc.

10
11 Dated: March 22, 2011

EDWARD C. SINGER JR.

12
13 By: 

Edward C. Singer Jr.

Attorneys for Defendants

15 WALTER R. LEMBI, individually and as trustee of the
16 WALTER AND LINDA LEMBI FAMILY TRUST

DATED JUNE 30, 2004 and FRANK E. LEMBI,

17 individually and as trustee of the OLGA LEMBI

RESIDUAL TRUST CREATED UNDER THE

18 PROVISION OF PART THREE OF THE LEMBI

FAMILY REVOCABLE TRUST DATED FEBRUARY

19 17, 1984 and as the trustee of the FRANK E. LEMBI

SURVIVOR'S TRUST DATED FEBRUARY 17, 1984

20 Dated: March _____, 2011

FRIEDMAN DUMAS & SPRINGWATER LLP

21
22 By: _____

Ellen Friedman

Attorneys for Defendants

23 BILLIE Z. SALEVOURIS, individually and as trustee
24 for THE BILLIE SALEVOURIS TRUST DATED

AUGUST 23, 1983 AS RESTATED ON MAY 24,

25 2002; DAVID M. RAYNAL, individually and as trustee

for the DAVID M. RAYNAL REVOCABLE TRUST

26 DATED MAY 9, 2002; RALPH DAYAN, individually

and as co-trustee for the AMENDED AND RESTED

27 DAYAN FAMILY REVOCABLE TRUST DATED

28 DECEMBER 31, 1991

1 2) That the hearing on all pending motions shall be continued to June 22, 2011, at
2 9:00 a.m.

3 IT IS SO STIPULATED.

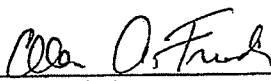
4
5 Dated: March __, 2011 STEIN & LUBIN LLP

6
7 By: /s Julie L. Fieber
8 Julie L. Fieber
9 Attorneys for Veritas-B Mezz B7, LLC, as Successor-In-
10 Interest to Plaintiff Capital Trust, Inc.

11 Dated: March ____, 2011 EDWARD C. SINGER JR.

12
13 By: _____
14 Edward C. Singer Jr.
15 Attorneys for Defendants
16 WALTER R. LEMBI, individually and as trustee of the
17 WALTER AND LINDA LEMBI FAMILY TRUST
18 DATED JUNE 30, 2004 and FRANK E. LEMBI,
19 individually and as trustee of the OLGA LEMBI
20 RESIDUAL TRUST CREATED UNDER THE
21 PROVISION OF PART THREE OF THE LEMBI
22 FAMILY REVOCABLE TRUST DATED FEBRUARY
23 17, 1984 and as the trustee of the FRANK E. LEMBI
24 SURVIVOR'S TRUST DATED FEBRUARY 17, 1984

25 Dated: March 21, 2011 FRIEDMAN DUMAS & SPRINGWATER LLP

26 By: 
27 Ellen Friedman
28 Attorneys for Defendants
29 BILLIE Z. SALEVOURIS, individually and as trustee
30 for THE BILLIE SALEVOURIS TRUST DATED
31 AUGUST 23, 1983 AS RESTATED ON MAY 24,
32 2002; DAVID M. RAYNAL, individually and as trustee
33 for the DAVID M. RAYNAL REVOCABLE TRUST
34 DATED MAY 9, 2002; RALPH DAYAN, individually
35 and as co-trustee for the AMENDED AND RESTED
36 DAYAN FAMILY REVOCABLE TRUST DATED
37 DECEMBER 31, 1991

PROPOSED ORDER

The Court having reviewed the Stipulation and [Proposed] Order to Extend Date for Completion of Mediation and Hearing Date for Motions for Summary Judgment, and good cause appearing therefore:

IT IS HEREBY ORDERED THAT the date set for completion of mediation in this matter be extended to May 25, 2011. It is further ordered that the hearing on pending motions shall be continued to ~~June 22, 2011, at 9:00 a.m.~~ **Friday, June 24, 2011 at 9:00 a.m.**

DATED: March 22, 2011


Hon. Jeffrey S. White